

RECEIVED
CENTRAL FAX CENTER

JUL 26 2004
OFFICIAL

Nixon & Vanderhye PC

ATTORNEY AT LAW

8TH FLOOR
1100 NORTH GLEBE ROAD
ARLINGTON, VIRGINIA 22201-4714

TELEPHONE: (703) 816-4000
FACSIMILE: (703) 816-4100
WRITER'S DIRECT DIAL NUMBER:
(703) 816-4011

FACSIMILE COVER SHEET
PLEASE DELIVER IMMEDIATELY!!!!

Atty Dkt.: 1579-645 Date: July 26, 2004

To: Examiner Helms, L. - Group: 1652
Firm: USPTO
Facsimile No.: (703) 872-9306
From: Mary J. Wilson

Number of Pages (including cover sheet): 5
(IF YOU DO NOT RECEIVE ALL OF THE PAGES OR ENCOUNTER DIFFICULTIES IN TRANSMISSION,
PLEASE CONTACT US IMMEDIATELY AT (703-816-4000).

Tabitha A. Trice
FACSIMILE OPERATOR

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper and any noted attachments are being facsimile transmitted to the Patent and Trademark Office on July 26, 2004.

Mary J. Wilson
Mary J. Wilson

ATTACHMENT/S: OFFICIAL RESPONSE

MESSAGE:

In re PATENT APPLICATION OF:

KAUFMAN et al
Serial No.: 10/080,522
Filed: February 25, 2002
For: GENE PRODUCT OVER EXPRESSED IN CANCER CELLS

CONFIDENTIALITY NOTE

The documents accompanying this facsimile transmission contain information belonging to Nixon & Vanderhye, which is confidential and/or legally privileged. This information is only intended for the use of the individual or entity named above. IF YOU ARE NOT THE NAMED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR TAKING OF THIS INFORMATION FOR ANY USE WHATSOEVER IS STRICTLY PROHIBITED. If you have received this facsimile in error, please immediately contact us by telephone to arrange for return of the original documents to us.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 1579-845

C# M#

KAUFMAN et al

TC/A.U.

1652

Serial No. 10/080,522

Examiner: Helms, L.

Filed: February 25, 2002

Date: July 26, 2004

Title: GENE PRODUCT OVER EXPRESSED IN CANCER CELLS

RECEIVED
CENTRAL FAX CENTER

JUL 26 2004

OFFICIAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$ 86.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$290.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months) \$ 950.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$770.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

Subtotal \$ 950.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 475.00

☒ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other; 0.00

TOTAL FEE TO BE DEBITED \$ 475.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
MJW:tat

NIXON & VANDERHYE P.C.
By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: Mary J. Wilson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 1579-645

C# M#

KAUFMAN et al

TC/A.U.

1852

Serial No. 10/080,522

Examiner: Helms, L.

Filed: February 25, 2002

Date: July 26, 2004

Title: GENE PRODUCT OVER EXPRESSED IN CANCER CELLS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$ 86.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$290.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months) \$ 950.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$770.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

Subtotal \$ 950.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 475.00

☒ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

TOTAL FEE TO BE DEBITED \$ 475.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
MJW:tat

NIXON & VANDERHYE P.C.
By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

KAUFMAN et al

Atty. Ref.: 1579-645; Confirmation No. 8638

Appl. No. 10/080,522

TC/A.U. 1652

Filed: February 25, 2002

Examiner: Helms, L.

For: GENE PRODUCT OVER EXPRESSED IN CANCER CELLS

* * * * *

July 26, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

This is in response to the Office Action dated March 24, 2004 in the above matter, the period for response having been extended up to July 24, 2004, by submission of the required petition and fee herewith.

In response to the Examiner's requirement for restriction, Applicants elect the subject matter of Group III (claims 21, 22, 29 and 30) for prosecution in this application. The election is made with traverse.

The Examiner is requested to reconsider the requirement for restriction at least as between the claims of Group III and the claims of Group V. It is believed that a comprehensive search of the subject matter of Group III would include the subject matter

KAUFMAN et al
Appl. No. 10/080,522
July 26, 2004

of Group V (despite the classification differences indicated by the Examiner) . That being the case, no undue burden would be placed on the Examiner if the claims of Groups III and V were to be considered in the same application.

If the Examiner elects to maintain the requirement for restriction as between Group III and V, the Examiner is requested to rejoin the claims of Group V once the claims of Group III are found to be allowable.

An early and favorable Action on the merits is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: Mary J. Wilson
Mary J. Wilson
Reg. No. 32,955

MJW:tat
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100